

City Council Introduction: **Monday**, February 3, 2003
Public Hearing: **Monday**, February 10, 2003, at **1:30** p.m.

Bill No. 03-24

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3374**, from AG Agricultural to R-3 Residential, requested by Engineering Design Consultants on behalf of Hampton Development Services, on property generally located at South 91st Street and Pine Lake Road.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Annexation No. 02009 (03-23); Special Permit No. 1762A, Vintage Heights 3^d Addition Community Unit Plan (03R-33); and Vintage Heights 3^d Addition Preliminary Plat No. 02017 (03R-34).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/27/02
Administrative Action: 11/27/02

RECOMMENDATION: Approval (7-0: Steward, Larson, Krieser, Bills-Strand, Carlson, Newman and Schwinn voting 'yes'; Duvall and Taylor absent).

FINDINGS OF FACT:

1. This change of zone request and the associated annexation, community unit plan and preliminary plat were heard at the same time before the Planning Commission on November 27, 2002.
2. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.4-5, concluding that the proposed annexation and development associated with this change of zone request, with conditions of approval, are in conformance with the Comprehensive Plan and comply with the Zoning and Subdivision Ordinances.
3. The applicant's testimony is found on p.6.
4. There was no testimony in opposition.
5. On November 27, 2002, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of the proposed change of zone to R-3 Residential.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 27, 2003

REVIEWED BY:_____

DATE: January 27, 2003

REFERENCE NUMBER: FS\CC\2003\CZ.3374

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: Vintage Heights 3rd Addition **DATE:** November 14, 2002
Annexation #02009
Change of Zone #3374
Special Permit #1762A
Preliminary Plat #02017

****As Revised by Planning Commission: 11/27/02****

SCHEDULED PLANNING COMMISSION MEETING: **DATE:** November 27, 2002

PROPOSAL: To annex 7.1 acres, preliminary plat 182 lots and amend the special permit for 946 dwelling units and expand the boundaries of the special permit to include the area of the preliminary plat.

LAND AREA: Annexation/Change Of Zone: 7.1 acres, more or less
Special Permit: 289.3 acres, more or less
Preliminary Plat: 38.3 acres, more or less

CONCLUSION: With conditions the request is in conformance with the 2025 Comprehensive Plan, Zoning and Subdivision ordinances.

RECOMMENDATION:

Special Permit, Preliminary Plat:	Conditional Approval
Annexation, <u>Change of Zone:</u>	<u>Approval</u>
Front yard setbacks from 30 to 5 feet for lots as shown on the site plan	Approval
Average lot width from 40' to 27'	Approval
Lot area from 5,000 to 2,680	Approval
To allow double frontage lots	<u>**Revised to Approval by staff on 11/27/02**</u> Denial
Lot depth to width ratio	Approval
Sidewalks on south side of Venice Court	Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Annexation/
Change of Zone: Lot 63 Irregular Tract

LOCATION: Generally located at 91st and Pine Lake Road

APPLICANT: Hampton Development Services
Mr. Robert Hampton
3600 Village Drive, Suite #140
Lincoln, Ne 68516
Phone # (402) 434-5650

OWNER: Same

CONTACT: Paula Dicero
Engineering Design Consultants
630 N. Cotner Blvd., Suite 105
Lincoln, NE 68505
(402)464-4011

EXISTING ZONING: Lot 63 IT is AG, Agricultural, remainder is R-3, Residential

EXISTING LAND USE: Undeveloped and residential

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped, residential	AGR, Agricultural Residential, R-3, Residential
South:	Undeveloped, acreage	AG, Agricultural, B-5, Planned Regional Business
East:	Residential	R-3, Residential, AG, Agricultural
West:	Residential	R-3, Residential, AGR, Agricultural Residential

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Urban Residential in the 2025 Comprehensive Plan (F-25).

The Southeast Lincoln/Highway 2 Subarea Plan shows this area as S.R., Special Residential (page 8). Special Residential could include “churches, domiciliary care facilities, retirement apartments, child care facilities, townhomes or other uses permitted by special permit in residential districts (page 10)”.

Overall Guiding Principles of Residential of the 2025 Comprehensive Plan indicates that affordable housing be “distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood” (page F-65).

Guiding Principles for New Neighborhoods of the 2025 Comprehensive Plan states that “sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process” (page F-66) to maximize access and mobility to provide alternatives to the automobile, and that “similar housing types face each other: single family faces single family” (page F-67).

Strategies for New Residential Areas of the 2025 Comprehensive Plan states that developments should encourage “more efficient residential and commercial development to make greater utilization of the community’s infrastructure” (page F-72).

HISTORY:

Date when preliminary plat was submitted:	August 8, 2002
Date when Planning Director's letter was sent:	September 6, 2002
Date when revised preliminary plat was submitted:	October 2, 2002

On September 27, 1999 Preliminary Plat #99002, Special Permit #1762 Comprehensive Plan Amendment #94-34, Annexation #99005, Change of Zone #3168 was approved by the City Council.

On August 3, 1998, the area to the north of this area was rezoned from AG to R-3, Vintage Heights 1st Addition Preliminary Plat, and CUP were approved by the City Council.

On July 14, 1997, Vintage Heights Preliminary Plat #97002, Change of Zone #3045 from AG to R-3, and Comprehensive Plan Amendment #94-17 to include area in phase I were approved by the City Council.

The area was converted from AA, Single Family Dwelling to AGR, Agricultural Residential during the 1979 zoning update.

UTILITIES: Utilities exist in Pine Lake Road and are extended to this development from the existing Vintage Heights.

TRAFFIC ANALYSIS: Pine Lake Road is classified as an Urban Minor Arterial. S. 91st Street and other streets in the development are local streets.

PUBLIC SERVICE: The nearest fire station is located at 2201 S. 84th Street.

ANALYSIS:

1. This is a request to annex, change the zone from AG, Agricultural to R-3, Residential, preliminary plat, and amend the CUP for Vintage Heights.
2. 961 dwelling units were approved with the previous community unit plan. This amendment proposes to decrease the number of approved dwelling units to allow a total of 946 units.
3. The Public Works & Utilities Department had the following comments:
 1. Sanitary sewer and water mains are satisfactory. The revisions to the drainage and grading plan raise an additional concern, the sanitary sewer in the northeast corner of the plat between 90th and 91st Street. The location is shown at the bottom of a drainage ditch with the required easement on the steep side slopes. This is unsatisfactory and a specific 30' easement is required for this sewer. The blanket easement is unsatisfactory.
 2. The plan still shows drainage flowing from the edge of pavement to the property line rather than the property line to the pavement along Pine Lake Road as required by design standards.

3. The grading information provided in the NE corner of the plat is unsatisfactory. The plan shows grading a 30' wide swale over the storm sewer in the 91st Street right-of-way. Grading and sidewalk grades in S 91st Street will not be altered. Without the regrading of the right-of-way, it appears that lots to the north will be flooded in the 100 year event. This is unsatisfactory.
4. Design standards require low flow liners or other means to provide a stable grade or hardened bottom along open drainage channels. None are shown. The bottom of the proposed channel along the north side of the plat is adjacent to platted lots. These lots should be protected up to a 100 year storm. Opening elevations for houses must be shown for lots adjacent to the open drainage channels.
5. Public Works & Utilities Department still recommends the private driveway east of S. 88th Street be built as a private roadway. Block length requirements as well as potential traffic numbers require a private roadway with Public Works indicating there will not be a median opening in Pine Lake Road at S. 91st Street. More traffic from the townhouse area will use S. 88th Street.
6. The north-south portion of Venice Court as it intersects the east-west portion is in violation of the platform requirement and must be revised. Venice Court does not have a permanent turn around as per subdivision ordinance requirements.
7. S. 88th Street is shown with wider pavement and right-of-way per Public Works & Utilities Department comments. All improvement costs will be paid by the developer. The letter of applications speaks to objections to S. 91st Street changes. Public Works & Utilities Department has not requested changes to S. 91st Street at Pine Lake Road but was pointing out to the developer that a median opening will not likely be provided on Pine Lake Road for S. 91st Street in Vintage Heights.
4. The application is in conformance with the 2025 Comprehensive Plan and the Southeast Subarea Plan.
5. A sidewalk connection S. 90th Place to S. 91st Street should be provided for maximum mobility and access. Sidewalks on all sides of public streets and private roadways must also be provided for mobility and access. The applicant requested a waiver to sidewalks on one side of Venice Court. This is not in conformance with the 2025 Comprehensive Plan or the Subdivision Ordinance and should be revised to comply.
6. Public Works & Utilities Department indicated that the intersection platform for the north-south portion of Venice Court as it intersects the east-west portion and Venice Court are not in conformance with the Subdivision Ordinance. Waivers were not requested nor advertised so these waivers cannot be considered at this time.

Prepared by:

Becky Horner
Planner

**ANNEXATION NO. 02009;
CHANGE OF ZONE NO. 3374,
SPECIAL PERMIT NO. 1762A,
AMENDMENT TO THE VINTAGE HEIGHTS 3RD ADDITION C.U.P.;**
and
**PRELIMINARY PLAT NO. 02017,
VINTAGE HEIGHTS 3RD ADDITION**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 27, 2002

Members present: Steward, Larson, Krieser, Bills-Strand, Carlson, Newman and Schwinn; Duvall and Taylor absent.

Staff recommendation: Approval of the annexation and change of zone; and conditional approval of the community unit plan and preliminary plat.

Becky Horner of Planning staff submitted a revised staff recommendation to approve the waiver to allow double frontage lots.

Proponents

1. Brian Carstens appeared on behalf of the developer for this mutli-family area. He agreed with the staff recommendation and conditions of approval, except Condition #1.1.8, which he requested be amended to add language, "or extend Venice Court to the north to Sicily Lane." This will eliminate the T-turnaround and extend the street straight through reducing the project by two units. There was no testimony in opposition.

For clarification and future reference, Steward asked staff to explain the recommendation to allow the double frontage lots. Horner stated that it was the staff's understanding that there were single family lots adjacent to the east of this area. Staff now understands that there is an 80' overhead transmission line easement and it is more appropriate to allow the double frontage lots with that transmission line easement. The transmission line easement is on the 91st Street right-of-way.

Horner agreed with the applicant's proposal to amend Condition #1.1.8.

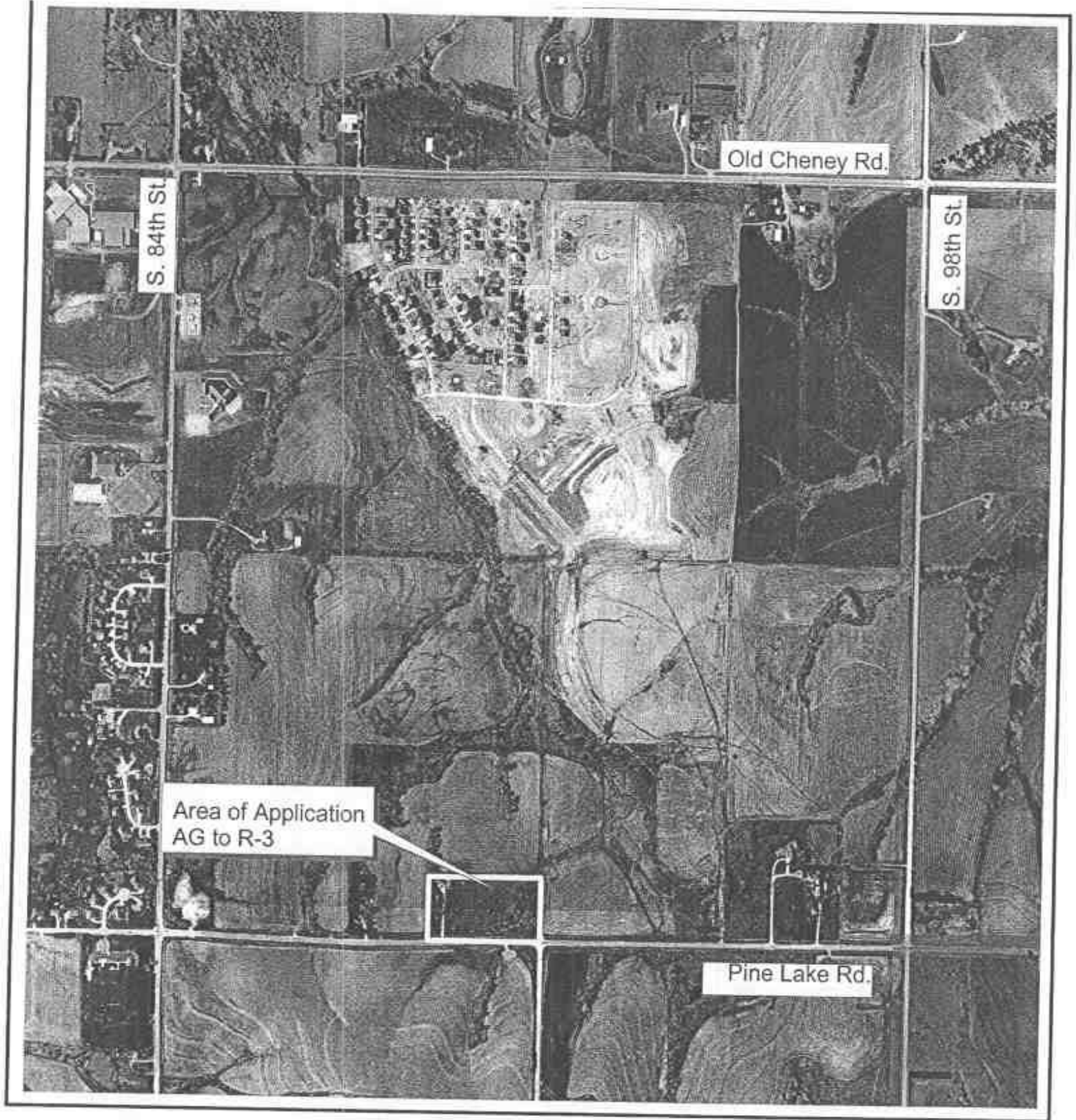
Public hearing was closed.

CHANGE OF ZONE NO. 3374

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 27, 2002

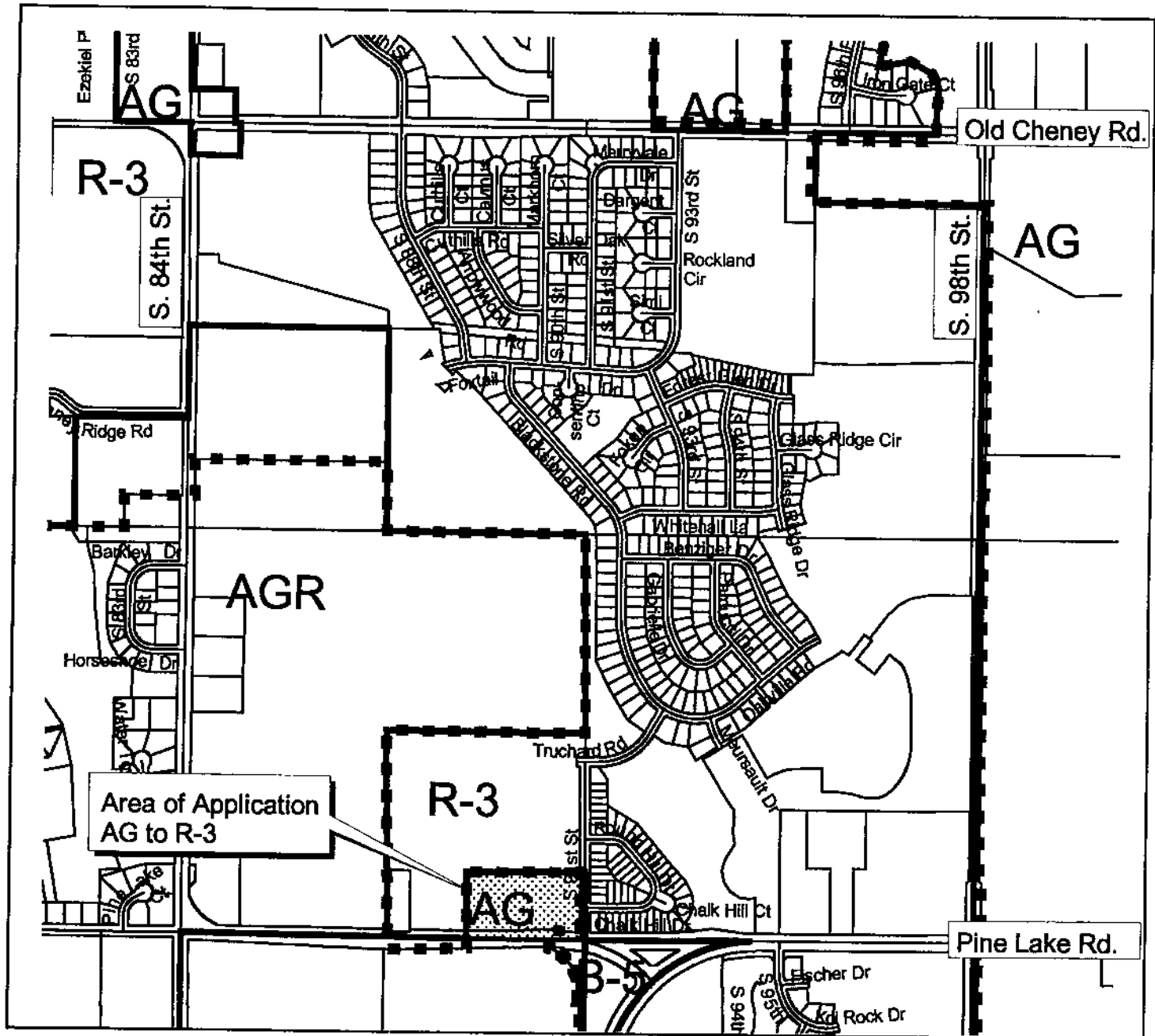
Steward moved approval, seconded by Newman and carried 7-0: Steward, Larson, Krieser, Bills-Strand, Carlson, Newman and Schwinn voting 'yes'; Duvall and Taylor absent.



**Change of Zone #3374
Vintage Heights 3rd
S. 91st & Pine Lake**



007



Change of Zone #3374 Vintage Heights 3rd S. 91st & Pine Lake

Zoning:

R-1 to R-8

AGB

R-C

0-1

02
03

R-T

B-1

B-2
B-2

見

B-3

H-1
H-2H2
H3

三

H1

12
13

20

not

140.

Year	Number of people (millions)
1980	100
1985	110
1990	120

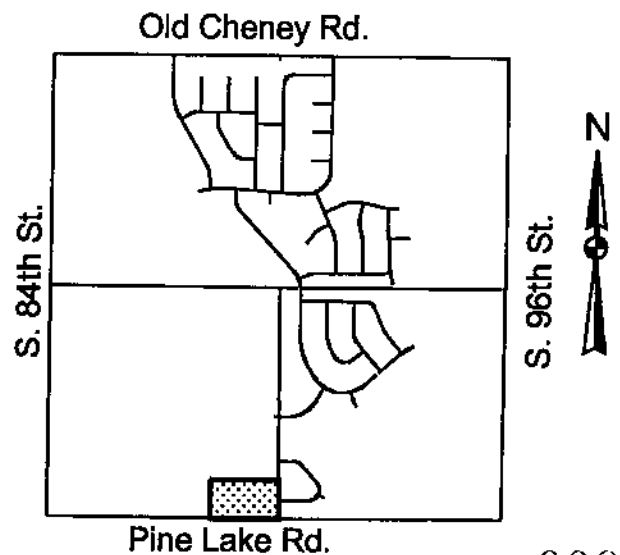
- Residential District
- Agricultural District
- Agricultural Residential District
- Residential Conservation District
- Office District
- Suburban Office District
- Office Park District
- Residential Transition District
- Local Business District
- Planned Neighborhood Business District
- Commercial District
- Lincoln Center Business District
- Planned Regional Business District
- Interstate Commercial District
- Highway Business District
- Highway Commercial District
- General Commercial District
- Industrial District
- Industrial Park District
- Employment Center District
- Public Use District

One Square Mile
Sec. 14 T9N R7E




Zoning Jurisdiction Lines

City Limit Jurisdiction

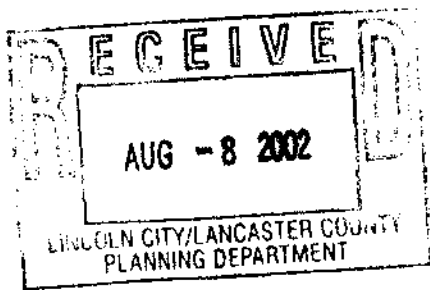
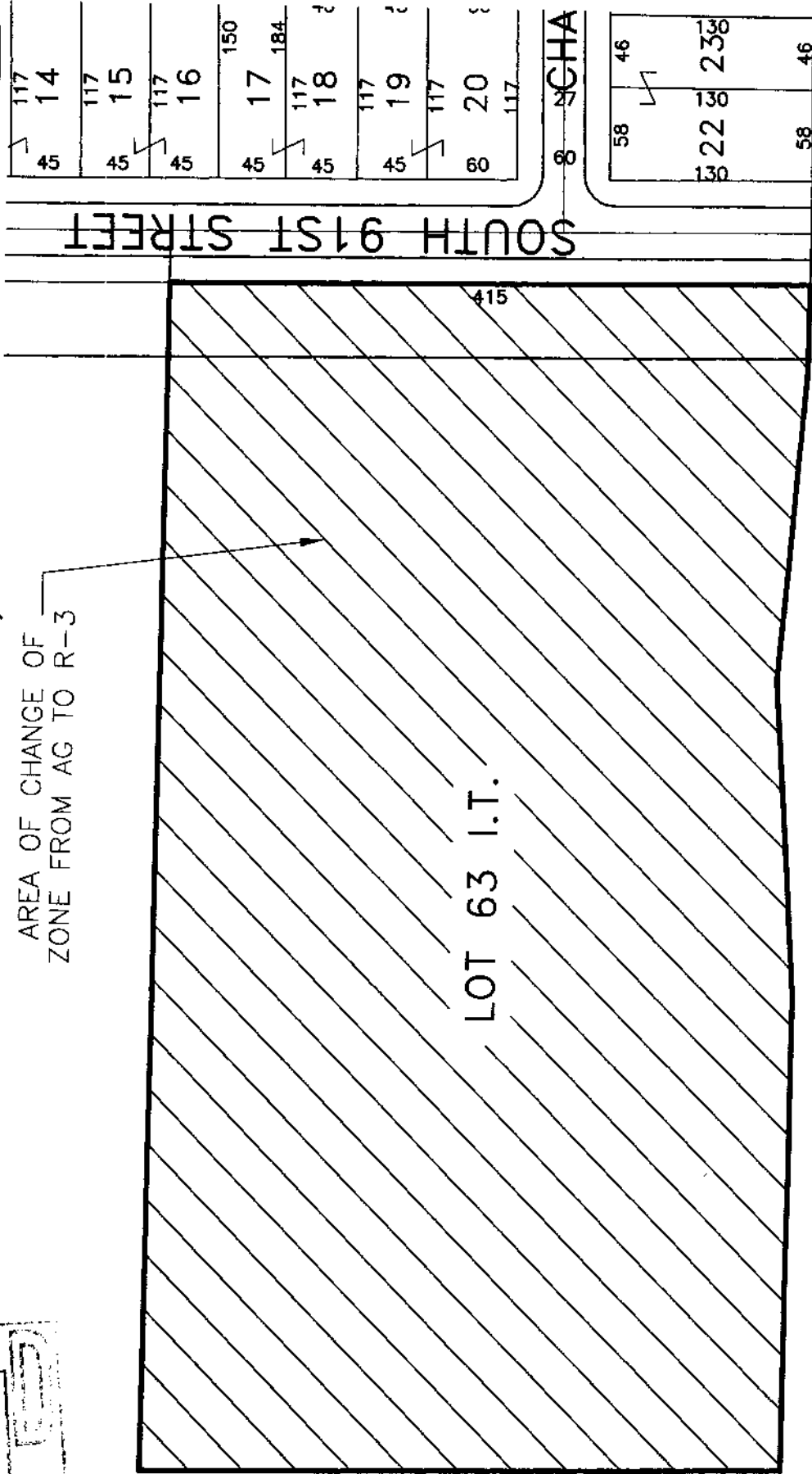


CHANGE OF ZONE EXHIBIT


BRIAND, CARSTENS & ASSOCIATES
 LAND USE PLANNING
 RESIDENTIAL & COMMERCIAL DESIGN
 501 OLD CHEROKEE ROAD
 SUITE C
 LINCOLN, NE 68512
 PHONE: (402) 434-2424
 FAX: (402) 434-0667
 ©2002 CARSTENS INC.

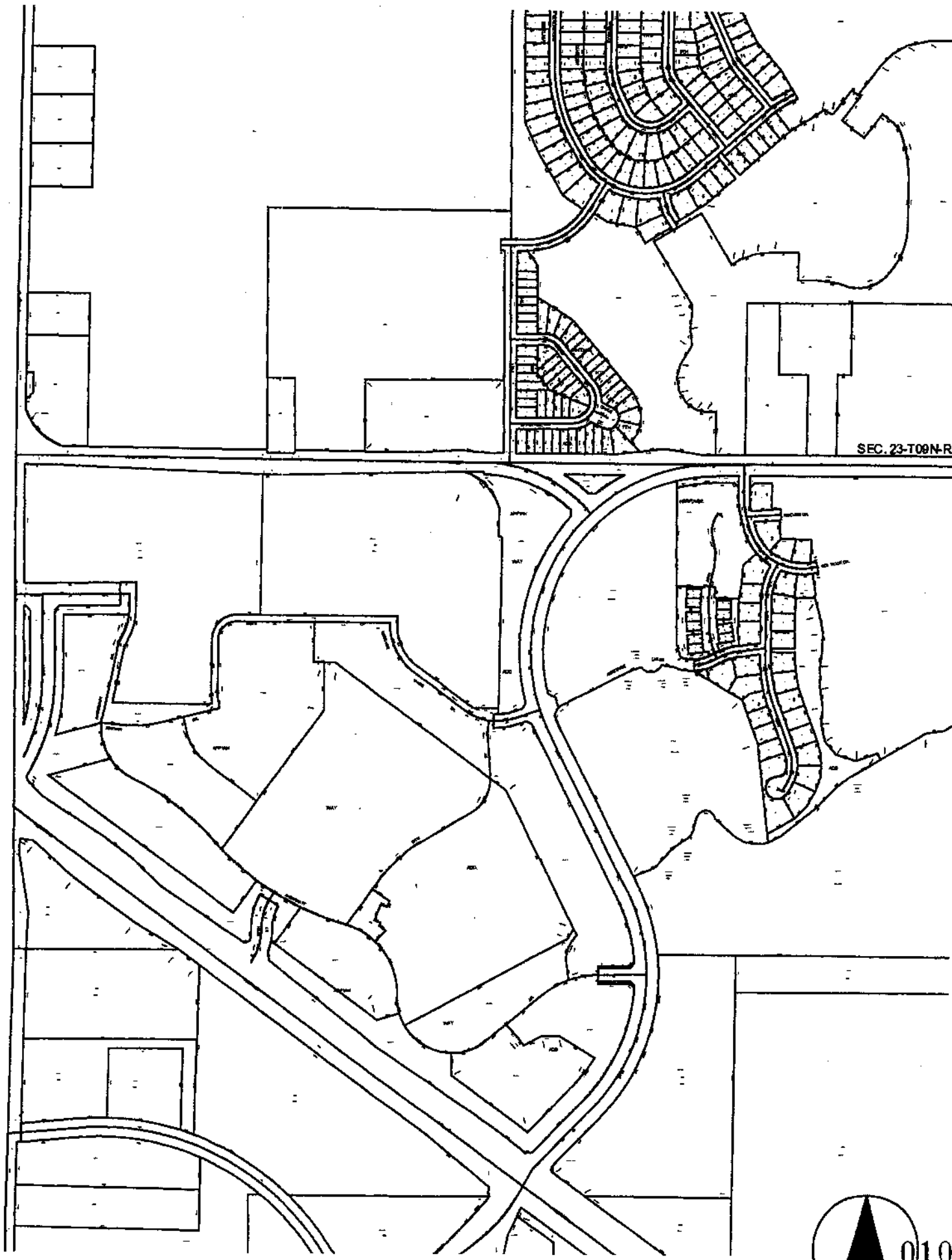


AREA OF CHANGE OF
ZONE FROM AG TO R-3



ED
RIVE

PINE LAKE ROAD



SEC. 23-T09N-R1

